

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARTIN DAVIDSON,

Plaintiff,

1:10-CV-1165 (GTS/RFT)

vs.

AURORA LOAN SERVICES,

Defendant.

APPEARANCES:

Martin Davidson
Plaintiff, *Pro Se*
6109 Route 9H/23
Claverack, NY 12513

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this truth-in-lending action filed by Martin Davidson (“Plaintiff, *Pro Se*”) against Aurora Loan Services (“Defendant”), is Plaintiff’s motion for a temporary restraining order and preliminary injunction enjoining the defendant from foreclosing on the property owned by Plaintiff. (Dkt. No. 2.) Plaintiff’s motion for a temporary restraining order is unsupported by a showing of cause. Among other things, Plaintiff has failed to (1) indicate the status of the foreclosure action brought against him by Defendant, and (2) provide a date for the allegedly imminent foreclosure sale. As a result, Plaintiff’s motion for a temporary restraining order is denied. However, in light of nature of this action and motion for a preliminary injunction, the service of Plaintiff’s Complaint and motion for a preliminary injunction, and the briefing of that motion, shall

be accomplished on an expedited basis, as specified below in the “Ordered” Paragraphs of this Decision and Order.

Moreover, Plaintiff is advised that, in order for the Court to consider the merits of his claims, it must have jurisdiction over those claims. As a result, Plaintiff is directed to file with the Court, on or before October 11, 2010, a letter-brief explaining the outcome of the state court foreclosure action brought against him by Defendant, specifically indicating (1) whether judgment was entered in favor of Defendant and, (2) if so, the date for which a foreclosure sale has been scheduled.

ACCORDINGLY, it is

ORDERED that Plaintiff's motion for a temporary restraining order (Dkt. No. 2) is **DENIED** as unsupported by a showing of cause; and it is further

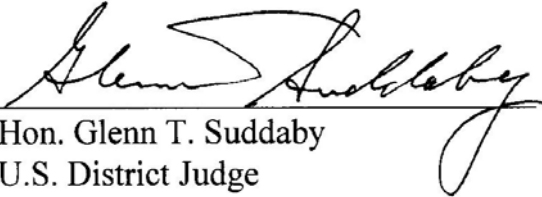
ORDERED that, on or before **OCTOBER 11, 2010**, Plaintiff shall **FILE** with the Court a letter-brief explaining the outcome of the state court foreclosure action and date of any scheduled foreclosure sale; and it is further

ORDERED that, on or before **OCTOBER 15, 2010**, Plaintiff shall **SERVE** Defendant with a copy of his Summons and Complaint, his motion for a preliminary injunction, and this Decision and Order pursuant to Rule 4 of the Federal Rules of Civil Procedure; and it is further

ORDERED that, on or before **OCTOBER 20, 2010** Plaintiff shall **FILE** with the Court an affidavit of above-referenced service of his Summons and Complaint, his motion for preliminary injunction, and this Decision and Order; and it is further

ORDERED that, on or before **OCTOBER 25, 2010**, Defendant shall **FILE** its response, if any, to Plaintiff's motion for a preliminary injunction. Plaintiff's motion shall thereafter be decided based on the submission of the papers and without either a hearing or oral argument, unless the Court notifies the parties otherwise.

Dated: October 5, 2010
 Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge